

**From:** Frank Summers  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

I would like to voice my objection to the proposed settlement of the Microsoft ant-trust case. It is not a fair settlement and it will have no real effect on Microsoft's predatory behavior.

Microsoft has shown a long history of putting other companies out business by using their operating system monopoly. No applications software product stands any chance if Microsoft incorporates similar functionality into the operating system, bundles their own version with the operating system, or can provide deals to OEMs to use their software as part of operating system licensing.

The only remedy that will promote a fair playing field for software vendors is to distinctly separate the operating system from the applications. Microsoft's operating system group must be split off into a separate company from their applications group.

Only when the operating systems group does not have such extreme conflict-of-interest in favoring one group of applications over another can the software market be open to innovation. Without it, the operating system can always be written to favor Microsoft's own software and disadvantage everyone else's. It doesn't matter how many people are watching over them, by the time the damage has been done, it is irreparable. The software market moves too quickly for after-the-fact remedies. You must take steps to pre-empt the predatory behavior from ever starting.

It has happened before, most notably in the web browser, and Microsoft has begun to usurp system control in favor of its .NET services. Can any other internet services provider compete against an application that is repeatedly offered and re-offered by the operating system itself? That is already a fact in Windows XP. No one would fund a start-up software company that might even approach competing against .NET. The next generation of innovation has already been stifled.

Reject this flawed settlement and do some real good for the economy. Force Microsoft's applications and internet services and every other division to compete on a level playing field. Separate them from the operating system and stop letting them stack the deck in their favor.

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